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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/836,135	04/16/2001	Yasushi Hosono	MM4424	5811
7590	02/18/2004		EXAMINER	
Anderson, kill & Olick, P.C. 1251 Avenue of the Americas New York, NY 10020-1182			HINDI, NABIL Z	
			ART UNIT	PAPER NUMBER
			2655	

DATE MAILED: 02/18/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	09/836,135	HOSONO, YASUSHI
	Examiner	Art Unit
	NABIL Z HINDI	2655

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1)  Responsive to communication(s) filed on \_\_\_\_.
- 2a)  This action is FINAL.                            2b)  This action is non-final.
- 3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4)  Claim(s) 1-6 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5)  Claim(s) \_\_\_\_ is/are allowed.
- 6)  Claim(s) 1-6 is/are rejected.
- 7)  Claim(s) \_\_\_\_ is/are objected to.
- 8)  Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9)  The specification is objected to by the Examiner.
- 10)  The drawing(s) filed on \_\_\_\_ is/are: a)  accepted or b)  objected to by the Examiner.
 

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11)  The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a)  All    b)  Some \* c)  None of:
    1.  Certified copies of the priority documents have been received.
    2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_.
    3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1)  Notice of References Cited (PTO-892)
- 2)  Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3)  Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 5.
- 4)  Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_.
- 5)  Notice of Informal Patent Application (PTO-152)
- 6)  Other: \_\_\_\_.

The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jp 11-306661 in view of Tosaki et al (6606290).

Claims 1 and 4 merely read on turning the system off if the disk is not authorized (authentic) by reading the copy management information. The limitation "computer data" merely read on any data on the disk representative of ones and zeros or any data that is a ROM data that can not be altered (DVD-ROM or CD). The limitation of reading the copy management information also read on identifying the disk type such as DVD-ROM (copy protected) or not (DVD-RAM). In general the examiner interprets the claims as reading the copy management data from the disk to determine the disk type (DVD-ROM/DVD-RAM) in order to control the disk rotation. The primary reference discloses the use of an optical disk apparatus having an optical head for reading the disk type determined by the unit 20 in order to control the disk rotational speed as shown in figs 2 and 3. Although the reference discloses the disk type identification using the ISO9660 or the UDF, the reference does not explicitly disclose the use of reading copy management to determine whether the disk is protected or not (disk type). The

secondary reference discloses the use of a disk copy management data on the disk to determine whether the disk is protected or not as shown by elements 3 and 15 for the purpose of protecting the disk data copyright as stated in column 10 lines 1-21. Thus it would have been obvious to one skilled in the art at the time the invention was made to use the copy right management data which identifies the disk type (as stated in page 9 lines 1-5 of the specification) in order to protect data on the disk from being pirated. Such modification is called for in the primary reference for the purpose of protecting data on the disk.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Jp 2000-149415.

Any inquiry concerning this communication should be directed to NABIL Z HINDI at telephone number (703) 308-1555.



NABIL Z. HINDI  
PRIMARY EXAMINER  
GROUP 2655  
2/13